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THE DYNAMICS OF SPORTS LAWS IN INDIA

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ABSTRACT

The commercialization of sports and its crossover with various businesses has made it immensely important to study the different laws associated with sports. One cannot deny that sports have broadened the horizon for business activities in India. Sponsorships and brand deals by various sportsmen are a classic example of it. India's achievements in sports have known no bounds and Indian sportsmen have been consistent in making the nation proud by winning tournaments at an international level. This plays a key role in focusing on the need for sports laws in the country. This research paper focuses on the dynamics of sports law by stressing on the need for sports and tries to elucidate on various branches of law in relation to sports. Whether sports law forms a separate branch of law is still debatable, but the need for a uniform law catering strictly to sports would prove to be incredibly beneficial for the sports community in tackling various legal issues.

Keywords - *sports law, sports contract, sports authority, sports and IPR*

INTRODUCTION

The realm of sports has been constantly evolving with time. Colonization played a key role in popularization of sports like cricket which has also been the de facto national sport of India. India's history of sports dates back thousands of years. Martial Arts like Judo and Karate and games like chess, snakes and ladders, Polo were actually originated in India and later modernized. Earlier, games and sports were played to help develop one's physique and personality. They were also played as a means of recreation but with changing time, people started viewing sports as a medium of competing with one another. Recreation soon turned into competition and with it came various challenges like over competitiveness which seems to have been affecting sportspersons all over the globe, impacting their mental and physical wellness.

HISTORY OF SPORTS IN INDIA

Sports being an all-round development activity have been predominant in every corner of the world, India being no exception to it. The predominance of sports and games in India can not only be traced back thousands of years but games and sports like ‘game of dice’ and wrestling find its mention even in the Mahabharata. A few chess historians are of the belief that chess was originated from Chaturanga.¹ The game was played on a 8x8 board and often played as if it was a simulation of war. Archery, wrestling, swimming, sword-fighting were immensely popular amongst the students of Nalanda and Takshashila.² Kabaddi, an on-field sport is believed to have developed in India. Although the certainty of its origin still remains unknown, India could be credited for its increased popularity in the realm of competitive sports.

While the Mughals heavily popularized the game of Polo during their reign, a few hundred years later it found its way to Europe and North America. Mallakhamb, a sport where the gymnast performs aerial yoga poses on a wooden pole or rope, gained notoriety during Peshwa Bajirao’s reign.³ Similarly, archery, duels with weapons, a game played on horses and Mallakhamb are mentioned in Manas-Olhas, a classic written by Chalukya. One cannot discuss the history of sports in India without mentioning the emergence of cricket in India. It is worthwhile to mention that cricket was the first British sport to have been introduced in India. The beginning of the 20th century marked India’s dominance in Hockey. With the debut of the Indian Hockey team in 1928, it established its dominance for good six decades, winning the country 8 gold medals. Unfortunately, the craze for the national sport did not last forever. Soon the country was taken over by a sport we now refer to as our ‘alternate religion’.

A MELTING POT OF CULTURES

Irrespective of where one hails from, sports form an integral part of every society. In the present times, it is not only viewed as a means of recreation, but also as a profession where one could

¹Pooja Bhatia, Origin of chess aka Chaturanga, eSamskriti, (December 26, 2017),

<https://www.esamskriti.com/e/Culture/Indian-Culture/Origin-of-chess-aka-Chaturanga-1.aspx>

²Nalanda and Takshashila were ancient Indian universities established in 5th century AD and 5th century BC respectively.

³Ishika Wahane, Mallakhamb: Ancient Indian Martial Art, Holidify, <https://www.holidify.com/pages/mallakhamb-4466.html>

make a living out of it. The increasing importance of sports has led to the inculcation of sports in academic curriculum at almost every level of schooling. Sports are an inseparable part of life. Regardless of whether one enjoys playing a sport, it is less likely that anybody would've escaped playing at least one sport in their lives. In my opinion, it could also be referred to as the 'melting port of cultures' because games and sports know no boundaries, they are open to diversity amongst players and endless modification. A single sport can be enjoyed by any person despite of their background, ethnicity, race, religion, etc. Various tournaments, leagues and championships like the FIFA world cup are a classic example of football enthusiasts and footballers all across the globe coming together to compete against each other in one place. The competition is strictly on the basis of a team's ability to qualify further regardless of which country the national teams belong to. Not only do such sports championships create a lucrative environment for all footballers to get acquainted with each other's culture but also opens the door to the Hosting country's culture. In fact, the 'one for all and all for one' mentality is not restricted to the FIFA World Cup, but is practiced throughout nearly every sport played on earth.

WHAT IS SPORTS LAW?

The sports industry could be fairly considered as one of the biggest industries in terms of revenue and employment. India having a dense history in sports is not aloof to this booming industry. With India hosting quite a few sports leagues like the Indian Premier League (IPL), Indian Super League (ISL) and the Pro Kabaddi League, it has become immensely important to make sure these tournaments are regulated. Leagues and teams not only attract viewership and motivate the budding talent but also lead to brand deals, sponsorship, investment, etc. This further intertwines sports with various laws such as the law of contract, law of tort, competition law, Intellectual Property Rights particularly Trademark, etc. But in order to understand how various laws could be encircling around numerous sports, it is necessary to understand the term 'sports law'. Although sports law does not have a specific definition, according to Sports Law & Welfare Association of India "Sports law is one of those fields of law that is applied law in the field of sports, physical education and its related field. It is a pure law as opposed to theoretical law and is concerned with

how law in general interacts with the activity known as sports.”⁴ Since ‘sports law’ does not have a precise definition per se, it can be understood to mean an interaction between sports and various laws.

THE NEED FOR SPORTS LAW

One can only understand the need for sports law in India, if they understand the importance of sports. As discussed before, the country has been actively taking part in not only organizing national championships, but has also tried its hand at numerous international championships and tournaments throughout the 20th and 21st century. Hence, it would be right to say that sports have become as important to Indians as academics or other professions. It is no more simply treated as a recreational activity, but the competitive aspect is also being given due importance. Indian parents have finally garnered the courage to encourage their children to pursue sports as profession and not merely as a hobby.

The past decade has been a witness to the immense potential that India has to offer. Some of the Indian Athletes have depicted standout performances in the 2012 and 2016 Olympics played at London and Rio De Janeiro respectively. While Yogeshwar Dutt, Mary Kom, Saina Nehwal, Sakshi Maik, Gagan Narang grabbed a bronze medal in their respective sports, P V Sindhu, Sushu Kumar and Vijay Kumar managed to secure a silver medal.⁵ Just to name a few other achievements in the field of sports, Indian athlete, Hima Das created history by winning gold in the women’s 400-metre event at the World Under-20 Championship 2018, Neeraj Chopra clinched a gold medal in men’s javelin throw event at the IAAF World Under-20 Championships 2016, seventeen-year old Esow Alben won India its first silver medal in junior cycling World Cup at UCI Junior Track

⁴Sports Law & Welfare Association of India, available at [What is Sports Law? Sports Law & Welfare Association of India \(sportslawindia.info\)](http://What is Sports Law? Sports Law & Welfare Association of India (sportslawindia.info)) Accessed: 27th June 2020,11:30 pm

⁵The Scroll Staff, Data check: India’s history at the Summer Olympics – medals, firsts and records, Scroll.in, Updated Aug 14, 2020 · 06:30 pm, <https://scroll.in/field/970151/data-check-indias-history-at-the-summer-olympics-medals-firsts-and-records>

Cycling World Championships and Manika Batra is going to go down in history as the first woman to win a gold in woman's singles at the 2018 Common Wealth Games.⁶

With a rapid rise in the Indian sports industry, it has become necessary to focus on the laws and regulations revolving around them. As of 2020-2021, India has multiple sports federations like All India Football Federation, Boxing Federation of India, Basketball Federation of India, etc for the development of sports in India. Receiving recognition by the government, aids these federations to receive assistance in various forms⁷ but that is not sufficient. In our effort to develop a good sports ecosystem in the country, having a set of uniform laws would definitely help. Apart from the need to have a set of uniform laws, it is beyond essential to create a conducive environment for budding sportsperson and that can only be enforced if laws encircling various issues usually faced by sportsmen are kept in check.

The need of sports laws and its importance cannot be emphasised enough without mentioning Justice Sinha's opinion in his minority judgement in the case of Zee Telefilms Ltd. & Anr vs Union of India & Ors.⁸ This case revolved around the Board of Control for Cricket in India's (further referred to as BCCI) termination of broadcasting rights agreement with Zee Telefilms Ltd. The petitioner filed a writ under Article 32 of the constitution. However, a writ could be filed under this article only if the authority in question was a 'state' under the purview of article 12. Although, the majority ruled in favour of BCCI not being a state as per Article 12, Justice Sinha in his minority judgement opined that BCCI's a state. He further stressed on the importance of sports in India with specific emphasis on cricket. He also stressed on the significance of the exponential role played by sports authorities in other jurisdictions like United Kingdom, Australia, etc.

Apart from the aforementioned case, the Supreme Court stressed on the significance of sports in India in the case of K. Murugan v. Fencing Association of India, Jabalpur & Ors.⁹ This case is regarded as the touchstone for strengthening Olympic Games in India by laying down guidelines for the regulation of the Olympic association. Another case that holds a pivotal position in the

⁶The Bridge Desk, Top 10 Breakthrough Performances of the decade in Indian Sports, The Bridge, 1 Dec 2019 12:58 PM, <https://thebridge.in/athletics/top-10-breakthrough-performances-of-the-decade-in-indian-sports/>

⁷SchooltimesIndia, 56 National Sports Federations are Recognised by the Govt of India, schooltimesindia.com, July 4 2019, <https://schooltimesindia.com/archives/1920>

⁸Zee Telefilms v. Union of India, 2005 4 SCC 649.

⁹K. Murugan v. Fencing Association of India, Jabalpur& Ors, 1991 2 SCC 412

sphere of sports law would be Board of Control for Cricket v. Cricket Association of Bihar.¹⁰ In this case, along with the role of BCCI as a ‘state’ under Article 12, its powers and functions were brought into question. The amendment to Rule 6. 2.4 of the BCCI, which excluded the commercial interest of administrators in IPL or Champions League T20 from being brought into question was challenged.¹¹ The Apex court held the amendment to be against the principles of natural justice as *nemo iudex in causa sua*. The amendment was deemed to be unreasonable and unsustainable as it was in contravention to the principle of fairness, transparency in the discharge of public functions of BCCI. This case upheld natural justice above any other law. Therefore, paving the way for stringent laws and regulation in the realm of sports.

NATIONAL SPORTS POLICY

Although the subject of sports comes under the State list under Article 246, there is an absence of sports legislation in India. There is no umbrella law for the governance and regulation of sports in India. Despite the fact that National Sports Federations are responsible for the promotion of sports in India, they are autonomous bodies. The key function of the Ministry of Youth Affairs & Sports is to take care of the promotion of sports and games and youth welfare programmes, to help create infrastructure and promote great potential and calibre of the youth to help achieve eminence and excellence in numerous competitive events at the national and international levels. The Ministry also issues notifications and guidelines in timely intervals for the purpose of regulation of National Sports Federations.

In 1984, a Resolution on the National Sports Policy was laid in both Houses of Parliament. The preamble to the National Sports Policy 2001 (hereinafter “Policy”)¹² states that the National Sports Policy 1984 (hereinafter “1984 Policy”) was formulated with the objective of raising the standard of sports in India. Since, the goals and objectives of the 1984 Policy were yet to be substantially realized, there felt a need to reformulate the National Sports Policy in more concrete terms. The

¹⁰Board of Control for Cricket v. Cricket Association of Bihar, (2016) 8 SCC 535

¹¹ Anchal Chhallani, Board of Control for Cricket v. Cricket Association of Bihar, Jus Dicere, <https://www.jusdicere.in/board-of-control-for-cricket-v-cricket-association-of-bihar/> Accessed: 29 June 2020, 1:06 am

¹² National Sports Policy 2001, <https://yas.nic.in/sites/default/files/National%20Sports%20Policy%202001.pdf> Accessed on: June 29, 2021 at 1:51 pm

National Sports Policy 2001 laid emphasis on the integration of sports with education, availability of sports facilities in the country, development of sports disciplines, effective participation in International Events, inculcation of science in the arena of sports by promoting research and development, etc. Furthermore, the Policy puts emphasis on the training and development of coaches, sports scientists judges', referees and umpires. Additionally, the policy highlights upon the need for incentives like job reservation, insurance cover, medical treatments, etc for sportspersons. Moreover, it is worth mentioning that the policy does not ignore the inter-dependence and inter-relationship between the Sports and Tourism sectors. The Policy addresses the issue of inadequacy of financial funds as it often acts as a major constraint.

SPORTS AUTHORITY OF INDIA

After the success of the Asian Games held in 1982, the Government of India became motivated to focus on development of sports and to encourage physical fitness among youth. In 1984, the Ministry of Youth Affairs and Sports set up an apex body called the Sports Authority of India for the efficient coordination of various sports activities. The aims and objectives include creating an interface between the Ministry of Youth Affairs and Sports and respective state governments and agencies, implementation of schemes and programs for achieving excellence in sports that would help India become a major sporting power, identify and nurture sports talent, maintain, develop and construct sports infrastructure, establish and administer institution to help produce high calibre coaches and scientists to promote and broad- base sports in India.¹³

SPORTS LAW AND WELFARE ASSOCIATION OF INDIA

A nationwide professional non-profit organization called the Sports Law and Welfare Association of India engages in the promotion of practice of ethical sports law in the country. It is bridging the gap between law and sports by bringing legal practitioners and sportsperson together. The Association deals with consultancy on matters such as regulation of sports governing bodies, issues pertaining to intellectual property in sport, legal assistance to sports persons and sports bodies

¹³See <https://sportsauthorityofindia.nic.in/showimg.asp?ID=689> Accessed: June 29, 2021 at 4:19pm

concerning legal disputes connected with sports in court, etc. The Association aims at addressing legal problems affecting sports by creating a forum for lawyers representing athletes, teams, leagues, etc to discuss legal issues affecting sports and to promote an exchange of ideas, opinions and perspective which may help tackle these legal issues. This might even guarantee ethical sports practices amongst the sports community and various organizations and federations associated with them.

LAW FOR SPORTS BROADCASTING IN INDIA

The objective behind passing the Sports Broadcasting Signal (Mandatory Sharing with Prasar Bharati) Act, 2007¹⁴ was to enable access to the largest number of listeners and viewers, on a free to air basis, of sporting events of national importance through obligatory sharing of sports broadcasting signals with Prasar Bharati and for matters connected therewith or incidental thereto. The crux of the Act lies in Section 3 of the said act which elucidates on the mandatory sharing of sports broadcasting signals with Prasar Bharati¹⁵. The aforesaid section forbids other content rights owner or holder as well as television or radio broadcasting service providers from carrying on a live television broadcast on any cable or Direct-to-Home network or radio commentary broadcast in India of sporting events of national importance. One can only do so if they agree upon simultaneously sharing the live broadcasting signal, without its advertisements, with the Prasar Bharati. Further, enabling them to re-transmit the same on its terrestrial networks and Direct-to-Home networks as per the terms and conditions laid down. Section 4 of the Act lays down the ground for penalties for violation of terms and conditions specified in Section 3 of the said Act.

SPORTS AND INTELLECTUAL PROPERTY RIGHTS

Commercialization of sports has made it possible for teams, clubs, leagues and sportsmen to build a brand for them. In the recent times, one can not only live their passion by playing a sport professionally, but also build a brand name, turn an opportunity into a business strategy.

¹⁴Sports Broadcasting Signal (Mandatory Sharing with Prasar Bharati) Act, 2007, No. 11, Act of Parliament, 2007 (India).

¹⁵Prasar Bharti is a statutory autonomous body and is the public service broadcaster of India.

Sportspersons do so by endorsing products and doing advertisements. Teams, clubs, tournaments, leagues, etc use logos and creative eye-catching taglines for the purpose of identification. Along with tremendous effort put into for the creation of such unique logos, they also have a lot of commercial value. For example, the Indian Premier League (IPL) has large viewership in India. Therefore, an IPL viewer who is a massive fan of the Mumbai Indians would be more likely to purchase official merchandise that carries the Mumbai Indians logo than some ordinary product of the same kind.

Intellectual Property (IP) forms a fundamental part of sports and is nearly impossible to separate IP from sports in the recent times. Numerous kinds of IP deal with legal issues revolving around sports, trademark and patent being a few of them. As per section 2 (1) (zb) of the Trademark Act, 1999 (Trademark Act) a trademark is “a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours”.¹⁶ Trademarks in sports can be in the form of logos and taglines of teams, clubs, titles of championships, tournaments, leagues etc. Not only do they create awareness by acting as a form of identification but can also act as a boosting agent for their brand value. Hence making it even more important to protect them. They can be protected under the Trademark Act by registering them under the particular class of goods and services they fall under. For illustrative purpose, if Mumbai Indians wishes to sell their t-shirts or jerseys, they may register it under class 25. Therefore, prior to registration, it is essential to determine the appropriate class the trademark falls under.

Registration of trademark is an easy process and may or may not mandate the assistance of a trademark agent or attorney. An unregistered trademark can be protected by seeking remedy under passing off.¹⁷ Well known marks can also be protected under the concept of dilution of trademarks. By the application of this concept, the owner of a well-known mark can deny another from using their mark if it kills the mark’s uniqueness or lessens their reputation.¹⁸ Quite a few sportsmen have even registered trademarks under their name. An eminent sports personality from India who has done so would be Sachin Tendulkar. This has become possible due to the prestige status

¹⁶The Trademark Act, 1999, No. 47, Act of Parliament, 1999 (India), section 2 (1) (zb)

¹⁷In order to seek remedy under passing off, one must prove that their trademark possesses goodwill in the market, proof of misrepresentation and damage suffered due to misrepresentation.

¹⁸Anubhav Pandey, The Doctrine of Dilution of trademarks, Blog-IP Leaders, July 29, 2017, <https://blog.ipleaders.in/doctrine-dilution-trademarks/>

associated with one's name, their celebrity status, fame, etc. It is noteworthy to mention that a sports association does not withhold the absolute right of publicity by making use of a famous players name irrespective of them being associated with that association. This was upheld in the case of ICC Development (International) Ltd v Arvee Enterprises and Anr.¹⁹

It is difficult to talk about the role of IP in sports law without mentioning Patent. Patent can be obtained for inventions related to sports. Since majority sports are played with a ball, one cannot imagine a sport like basketball being played without the traditional basketball. In 1929, it was George L. Pierce who was awarded the first patent for a ball specifically designed for basketball.²⁰ The last decade has been a witness to the rampant use of internet, with that being said, domain names have become an easy target for cyber squatters. Most teams, leagues, sportsperson, championships have a dedicated internet domain. They make use of them to post updates, make official announcements, launch merchandise, etc. Therefore, there is a dire need to protect them as it could otherwise not only mislead the customers but also tarnish the reputation of that particular sportsperson or team. Although India does not have a specific mechanism to do so, one may register the domain name as a trademark in order to safeguarded it from the clutches of cyber squatters. Another recurrent category of an IP violation could be in the form of ambush marketing. Ambush marketing is way of capitalizing profits from a direct or indirect association with an event or certain persons without prior approval of the concerned part. It can be referred to as gimmick to attract or delude customers and can be done so by associating with one's official logo or pretending to be sponsors for a sports event. The case of Arsenal Football Club v. Mathew Reed²¹ is regarded as a notable instance of ambush marketing. In this case, Mr Reed was engaged in selling souvenirs and club merchandise bearing registered trademarks of Arsenal Football Club(hereinafter, Arsenal FC) without obtaining a license from the concerned party. The Judge held that there was no infringement of trademark by Mr. Reed in spite of the European Court of

¹⁹ ICC Development (International) Ltd v Arvee Enterprises and Anr , 2003 (26) PTC 245 Del

²⁰ Vítor Sérgio Moreira, The Role of Patents in Sports, *Inventa International*, June 19 2019, [The Role of Patents in Sports - Inventa International](#)

²¹ Arsenal Football Club v. Mathew Reed, Case C-206/01 ECJ 12/11/2002

Justice having a contradictory view of the same. ²²Aggrieved by this decision Arsenal FC appealed in the Court of Appeal. Eventually, the Court of Appeal ruled in favour of Arsenal FC.²³

SPORTS CONTRACTS

In my opinion, the law of contracts is omnipresent. Contracts form an inevitable part of our life. At times we might even fail to realize that some of our day-to-day transactions could even be classified as contracts. Similarly, sports law is no exception to it. When there are transfers in the football world, new contracts need to be drafted. If a player's willing to continue, the contract may need to be renewed. The drafting of a contract may be necessary in case of sponsorships, sale of media rights of particular event or regarding membership rights of a sports club. The most common type of contract is the standard player contract. As the name suggests, it's a standard contract with a few changes depending upon the player. Endorsement Contracts are not unusual as well. Endorsement Contracts are contracts permitting the sponsor to use the sportsperson's name in association to their product. Indian Cricketer, Virat Kohli's endorsement deals with various brands like Puma and MRF are a classic example.²⁴ In the recent times, appearance contracts have become immensely popular. An appearance contract is one that pays the sportsperson for the public appearances they make at a particular event. In order to bind themselves by certain terms and conditions, give legal definition to their relationship, demarcate rights and duties and induce legal consequences of violation of such an agreement, players and agents enter into contracts. In sports law, a contract may not only help a sportsperson establish their rights and duties but also enable them to sue the other party in case of violation of the contract. Therefore, contracts play a significant role in the sports industry.

²²Anthony Misquitta, Arsenal v Reed: In the European Court of Justice and in the High court (for the second time), Mondaq, January 10, 2003, <https://www.mondaq.com/uk/trademark/19411/arsenal-v-reed-in-the-european-court-of-justice-and-in-the-high-court-for-the-second-time>

²³Shrabani Rout, Ambush Marketing: Need for Legislation in India, Mondaq, April 10, 2018, <https://www.mondaq.com/india/trademark/690204/ambush-marketing-need-for-legislation-in-india>

²⁴Aayushmaan Vishwanathan, Virat Kohli Net Worth, Endorsements, Cars and House, Cricket Addictor, January 6 2021, <https://cricketaddictor.com/cricket-news/virat-kohli-net-worth-endorsements-cars-and-house/>

COMPETITION LAW IN SPORTS

The competitive element forms an inseparable part of every sport. The Competition Commission of India (CCI) is the regulator of competition law in India. At this juncture, it has become necessary for CCI to intervene in case of malpractices concerning competition law in the world of sports. CCI has been witnessing quite a few cases pertaining to sports especially concerning dominant position and relevant market. In the matter of Surinder Singh Barmi v. Board for Control of Cricket in India,²⁵ CCI discovered that BCCI had abused its dominant position. CCI passed an order stating that the conduct of the BCCI under clause 9.1(c)(i) of its IPL Media Rights agreement entered into with the broadcasters of IPL stating that “it shall not organize, sanction, recognize, or support during the Rights period another professional domestic Indian T20 competition that is competitive to the league” was in contravention section 4(2)(c) of the Competition Act, 2002²⁶ which talks about practices resulting in denial of market access. Aggrieved by this order, BCCI appealed in the Competition Appellate Tribunal (hereinafter COMPAT). COMPAT set aside CCI’s previous order and ordered CCI to start afresh. CCI after re-directing the Director General to conduct a new investigation, in its order ruled that BCCI being the de facto regulator of cricket in India, conduct of BCCI was within the realm of its regulatory functions. CCI established the meaning of relevant market in this context. In its final statement, it was of the opinion that BCCI did hold a dominant position in the relevant market for organization of private professional league cricket events in the country. In reference to clause 9.1(c)(i) of its IPL Media Rights agreement and Rules 28(b) of BCCI that let BCCI dismiss the functioning of any event it feared to be competitive to IPL amounts to denial of market access to any potential competitor, and was unquestionably in violation of Section 4(2)(c) of the Competition Act, 2002. Furthermore, CCI levied a penalty of Rs. 54.24 corers on BCCI and ordered them to cease and desist from indulging into conduct that is in contravention of section 4(1) and section 4(2)(c) of the Competition Act, 2002.

ALTERNATE DISPUTE RESOLUTION IN SPORTS LAW

Arbitration, also referred to as the ‘legal out of court settlement’, is a quick and effective legal way of settling matters outside the courts. It is a technique of settling the matter between the concerned

²⁵ Surinder Singh Barmi v. Board for Control of Cricket in India, case no 61/2010

²⁶ The Competition Act, 2002, No 12, Act of Parliament, 2002 (India)

parties by referring the matter to a third party, referred to as an arbitrator. The arbitrator then reviews the matter at hand and imposes a decision that is legally binding on both sides. The practice of inducing an ‘arbitration clause’ in contracts in case of disputes have become a common practice and with the rise in disputes relating to sports, arbitration could act as an appropriate way of resolving matters between parties in the sports community. It is interesting to note that arbitration is not an alien concept in the world of sports. In fact, arbitration successfully established its presence in international sports through the means of Court of Arbitration for Sport (hereinafter CAS). CAS also provides for mediation. The International Council of Arbitration for Sport (hereinafter ICAS) helps in looking after the running and financing of the CAS. Likewise, ICAS has financial and administrative authority over CAS.

TORT IN SPORTS LAW

The law of tort is an uncodified branch of law. Basically, tort is a civil wrong that is resulted from a breach of duty in association with the rights of an owner. Sports law overlaps with the law of tort as torts of defamation and negligence have proved to be a persistent issue concerning the world of sports. The presence of torts like assault and battery on the ground has made the study of tort absolutely necessary. It is a common practice for courts to decide matters related to injury suffered by sportsperson on the basis of commonly established tort laws. In the past century, there have been several cases related to negligence in sports. The case of *Bolton v. Stone*²⁷ is a leading case of negligence in sports. In this case, the respondent was hit by a cricket ball that flew right from a cricket field. A twelve-foot high fence surrounded the cricket field. The House of Lords in this case was of the opinion that there existed very little likelihood of injury to persons on the road. Therefore, the cricket club was not held to be in breach of their duty and no case for negligence could be instituted. A sportsperson may also institute a suit for a civil assault. Nonetheless, one must take note of the fact that it would be difficult to prove the other party had a ‘intention to use force’ against the concerned party as it forms an essential element of civil assault. There have been quite a few cases where the spectators of a sports event have suffered injury. The English Court of Appeal in the case of *Wooldridge v. Sumner*²⁸ dealt with the liability for negligence of participants in sporting competitions towards spectators. This case set a benchmark for the concept

²⁷*Bolton v. Stone*, (1951) AC 850

²⁸ *Wooldridge v Sumner*, [1963] 2 QB 43

of “reckless disregard” as it was held that sportspersons would be liable to the spectators only if they depicted "reckless disregard" for their safety.

CONCLUSION

The progress witnessed in the sports industry knows no bounds. It is flooded with incredible talent. Whether sports law is a separate law is still debatable but denying its increasing importance would be unjust. Due to the integration of business with sports, it has become beyond crucial to safeguard this industry from exploitation of any sort. The world of sports is battling with evils like betting, doping, scams, etc and to help curb these evils, India needs a uniform law covering the entire realm of sports. There is an interminable requirement for an enactment that would promote and develop sports in India. Firstly, the subject of ‘sports’ must be brought within the concurrent list. Secondly, establishment of a commission strictly for sports would help promote sports in India and might even aid in adjudicating disputes related to sports. It is high time for the concerned authorities and the government to realize the dire need for sports legislation before it is too late.

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